

# Order

Michigan Supreme Court  
Lansing, Michigan

December 8, 2005

Clifford W. Taylor,  
Chief Justice

128777

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

KATRINA McKIM and STEVEN McKIM,  
Plaintiffs-Appellees,

v

SC: 128777  
COA: 251498  
Ogemaw CC: 02-654140-NO

FORWARD LODGING, INC., d/b/a QUALITY  
INN FORWARD CONFERENCE CENTER,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the May 10, 2005 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REINSTATE the judgment of the Ogemaw Circuit Court. The Court of Appeals erred in finding plaintiff to be an invitee, because defendant did not derive a business or commercial benefit from plaintiff's provision of medical services on its property. *Stitt v Holland Abundant Life Fellowship*, 462 Mich 591 (2000). Moreover, as the dissenting judge correctly recognized, the hazard giving rise to plaintiff's injuries was open and obvious, and there was no special aspect present. *Mann v Schusteric Enterprises, Inc.*, 470 Mich 320 (2004).

CAVANAGH and KELLY, JJ., would deny leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 8, 2005

*Corbin R. Davis*

Clerk